IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 809 OF 2007
IN
SECOND APPEAL NO. 176 OF 2006

Naiku Ramu Khondre ..Applicant

versus

Jyoti Ramu Khondre & Ors. ..Respondents

Mr. A. A. Garge for the Applicant.

Mr. Vijay Killedar for the Respondent Nos. 1 and 6.

CORAM : D.B. BHOSALE, J.
DATE : 20TH JULY, 2007.

P.C.

1. Heard learned counsel for the parties.

2. By this Civil Application, the Applicant has made the following prayers:

(a) That pending the hearing and final disposal of the Second Appeal No. 176 of 2006, the Respondents be restrained from obstructing the possession of the Applicant in any manner or dispossessing the Applicant from the suit property i.e. land bearing Gat No. 7, adm. about 2 H. 66 Ares potkharaba 1 Are and House properties Milkat Nos. 424, 288 and 279 situated at Village Tamdalge, Taluka Shirol, District Kolhapur;

(b) That pending the hearing and final disposal of the Second Appeal No. 176 of 2006, the Respondents be restrained from receiving the payment on any account and by whatsoever nature in respect of the sugarcane crop in the suit property;

(b) Or in the alternative, pending the hearing and final disposal of the Second Appeal No. 176 of 2006, the Respondents be directed to deposit the money received or to be received by them in respect of the sugarcane crop in the suit property in the Court of Ld. CJJD at Jaysingpur and the Applicant be allowed to withdraw the same;

3. The Appeal is directed against concurrent findings of the Courts below. I perused the Judgments of both the Courts below and more particularly the issues and points framed by the Trial Court and Appellate Court, respectively. Considering the findings recorded by the Courts below, it is not possible to grant the interim relief as prayed in the Civil Application. Mr. Garge, learned counsel for the Applicant is not in a position to state whether there was any interim relief running in favour of the Applicant during the pendency of the suit and/or the First Appeal. In the circumstances, this Civil Application is rejected.

(D. B. BHOSALE, J.)